

AGENDA ITEM SUMMARY

Staff Contact Person: Marlene Conway

AGENDA ITEM WORDING: Public hearing to consider a request for Administrative Relief from Miles Teach, Lot 27, Block 2, Harris Ocean Park Estates Subdivision, Key Largo, Real Estate Number 00447410.000000.

ITEM BACKGROUND: A building permit and ROGO allocation were applied for on April 5, 2001 (Year 9, Quarter 3). The applicant applied for administrative relief on November 24, 2004 (Year 13, Quarter 2) and is within the allowable time frame to be eligible for administrative relief under Section 9.5-122.2(f) of the Monroe County Code.

Staff recommends that Administrative Relief be granted in the form of a dwelling unit allocation award.

PREVIOUS RELEVANT BOCC ACTION: N/A

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval.

TOTAL COST: N/A

BUDGETED: Yes N/A No

COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes ___ No ___ AMOUNT PER MONTH ___ Year

APPROVED BY: County Atty X OMB/Purchasing N/A Risk Management N/A

DIVISION DIRECTOR APPROVAL:

(Timothy J. McGarry, AICP)

DOCUMENTATION: Included X

Not Required

DISPOSITION: _____

AGENDA ITEM # _____

RESOLUTION NO. - 2005

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST FOR ADMINISTRATIVE RELIEF MADE BY MILES TEACH ON THE LOT DESCRIBED AS LOT 27, BLOCK 8, HARRIS OCEAN PARK ESTATES, KEY LARGO, REAL ESTATE NUMBER 00447410.000000. THE RECOMMENDED RELIEF IS IN THE FORM OF A DWELLING UNIT ALLOCATION AWARD.

WHEREAS, Miles Teach submitted an application for a building permit allocation under the Residential Rate of Growth Ordinance (ROGO) in April of 2001; and

WHEREAS, the application has been in the ROGO system for at least four (4) consecutive years; and

WHEREAS, Miles Teach has applied for administrative relief under Monroe County Code Section 9.5 122.2 (f); and

WHEREAS, the Board of County Commissioners (BOCC) has the authority to grant administrative relief under Section 9.5 122.2. (f) (6) and may grant the applicant a building allocation, offer to buy the property at fair market value, or provide such other relief as may be necessary and appropriate; and

WHEREAS, the lot is not identified as hammock on the 1986 habitat maps; and

WHEREAS, Board of County Commissioners Resolution 223-2004 directs staff to identify small parcels with indigenous hammock and pinelands for recommended purchase; and

WHEREAS, the subject property, is not an area of indigenous hammock or pinelands; and

WHEREAS, Policy 101.6.5 of the 2010 Comprehensive Plan provides criteria to be used for determining lands that are appropriate for acquisition and the criteria includes the environmental sensitivity of the vegetative habitat on the lot; and

WHEREAS, the subject property, located in Harris Ocean Park Estates Subdivision is not environmentally sensitive; and

WHEREAS, the Monroe County Board of County Commissioners makes the following findings of fact and conclusions of law:

- 1) The Miles Teach, Lot 27, Block 8, Harris Ocean Park Estates, ROGO application received no negative environmental points and one (1) positive environmental point; and
- 2) Policy 101.6.1 of the 2010 Comprehensive Plan and Section 9.5-122.2(f) of the Monroe County Land Development Regulations provides a mechanism whereby an applicant who

has not received an allocation award in ROGO may apply to the Board of County Commissioners for administrative relief.

- 3) The applicant has been in the ROGO system for three of the last four annual allocation periods and therefore qualifies for administrative relief; and
- 4) The property does not qualify under criteria established by Resolution 223-2004 for purchase by the Monroe County Land Authority of small parcels with indigenous hammock and pinelands; and
- 5) The property does not qualify as environmentally sensitive under criteria established by Policy 101.6.5 and Policy 101.6.6 that directs the County to prioritize acquisition based on the environmental sensitivity of the land.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Administrative relief is granted to Miles Teach, Lot 27, Block 8, Harris Ocean Park Estates, administrative relief in the form of a dwelling unit allocation award, subject to the following conditions:

1. The timing of the issuance of the permit shall be in accordance with the annual number of residential allocations defined by Policy 101.2.13 and as required by Section 9.5-122.2 (f) of the Monroe County Code; and
2. The allocation award shall be taken out of the next quarterly allocation which closes July 13, 2005 (Quarter 4, Year 13) or such time as a residential allocation becomes available; and
3. The assignment of a nutrient reduction credit shall be required prior to issuance of the permit.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the _____ day of _____ 2005.

Mayor Dixie Spehar	_____
Mayor Pro Tem Charles "Sonny" McCoy	_____
Commissioner George Neugent	_____
Commissioner David Rice	_____
Commissioner Murray Nelson	_____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
Mayor Dixie Spehar

(SEAL)

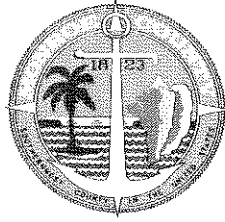
ATTEST: DANNY L. KOLHAGE, CLERK

DEPUTY CLERK



Growth Management Division

2798 Overseas Highway
Suite 400
Marathon, Florida 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



Board of County Commissioners

Mayor Dixie Spehar, Dist. 1
Mayor Pro Tem Charles "Sonny" McCoy, Dist. 3
Comm. George Neugent, Dist. 2
Comm. David P. Rice, Dist. 4
Comm. Murray J. Nelson, Dist. 5

To: Board of County Commissioners

From: K. Marlene Conaway, Director
Department of Planning and Environmental Resources

Date: April 26, 2005

Subject: **Miles Teach, Administrative Relief Request**

Background on Subject Property:

The subject property is zoned Improved Subdivision (IS) Land Use District and is located in the Harris Ocean Park Estates Subdivision, Lot 27, Block 2, Key Largo, Real Estate Number 00447410.000000. The applicant purchased the property in May of 2000; the sale price is listed in the assessor's records as \$9,000.00. The current land value is listed in the assessor's records at \$10,050.00. The applicant entered the Residential Rate of Growth Ordinance (ROGO) system on April 5, 2001, (Year 9, Quarter 3). Permit Number 01-3-0007.

Permitting History:

A building permit and ROGO allocation were applied for on April 5, 2001 (Year 9, Quarter 3). The application scored eighteen (18) points: thirteen (13) points from planning including two (2) points for modest housing detached infill; four (4) points from building with five (5) points for building features and minus one (-1) point for location in an AE -9 flood zone; positive one (1) point from environmental resources as the subject property was determined to be Habitat Protection Group 1, disturbed/scarified, by the Upper Keys Biologist.

Currently, with the addition of three perseverance points, the property scores twenty-one (21) points. At the end of the third quarter, Wednesday, April 13th, 2005, the applicant will receive an additional perseverance point for a total of twenty-two (22) points.

A dwelling was begun on the site prior to ROGO but never progressed beyond the foundation stage. The site is now subject to ROGO.

The three (3) lots to the west of the subject property have residences as do the lot immediately to the rear of the subject property and the lot across the road to the south. The seven (7) lots to the east are vacant.

Five (5) previous ROGO allocations have been granted in Harris Park Ocean Estates with two (2) awarded in Year 3, two (2) in Year 4 and one (1) in Year 5. These include Permit Numbers: 95-3-564, 93-3-12354, 95-3-1329, 95-3-2628 and 97-3-726.

The applicant applied for administrative relief on November 24, 2004 (Year 13, Quarter 2) and is within the allowable time frame to be eligible for administrative relief under Section 9.5-122.2(f) of the Monroe County Code.

Development Potential:

Zoning – The property is zoned Improved Subdivision (IS) which allows one single-family residential dwelling and accessory uses. As an Improved Subdivision, it has no TDR value under the current code.

Future Land Use Map (FLUM) – The FLUM indicates the property to be Residential Medium (RM) which is intended for single-family residential use.

Land Type - The property was given a point assignment of one (1) for being in Habitat Group 1 which is defined in Section 9.5-122.3(7) and includes the following: Disturbed/scarified or disturbed with hammock or disturbed with exotics. This is the least environmentally sensitive category of the four described in Section 9.5-122.3(7).

Neighboring Properties – Less than one-half of the subdivision has been built out. The three (3) lots to the west of the subject property have residences as does the lot immediately to the rear of the subject property and the lot across the road to the south. The seven (7) lots to the east are vacant.

ROGO – The ROGO point system is designed to direct growth to protect natural resources and to encourage infill development of improved subdivision lots. In response to Objectives 101.5 of the Monroe County 2010 Comprehensive Plan, which directs the County to protect natural resources, Land Development Regulations (LDRs) have been adopted that score minus ROGO points for any lots in environmentally sensitive lands. The subject lot received no negative points under Section 9.5-122.3 of the Land Development Regulations.

Smart Growth Initiative – Although Monroe County is in the process of adopting a land use program which will further define areas for future development and areas in which no development may occur, Goal 105 of the Monroe County Comprehensive Plan defines three ‘tiers’ that direct where new development may occur. The tiers are defined in Policy 105.2.1.

The subject property is located in the Harris Ocean Park Estates subdivision and meets the criteria for a Transition and Sprawl Reduction Area (Tier II) in Goal 105. New development is to be discouraged and privately owned vacant lands acquired or development rights retired to reduce sprawl, ensure that the Keys carrying capacity is not exceeded, and prevent further encroachment on sensitive natural resources.

Eligibility for Administrative Relief Options:

Section 9.5-122.2(f) of the Monroe County Land Development Regulations and Policy 101.6.1 of the 2010 Comprehensive Plan provides a mechanism whereby an applicant who has not received an allocation award in ROGO may apply to the Board of County Commissioners for administrative relief. The applicant is eligible for Administrative Relief having complied with all requirements of the dwelling unit allocation system and having been considered in at least three (3) of the last four consecutive annual allocation periods and having submitted their application for Administrative Relief no earlier than the third annual allocation period and no later than ninety (90) days following the close of the fourth annual allocation period.

Relief Options under Administrative Relief:

The remedies available to an applicant for Administrative relief pursuant to Section 9.5-122.2(f) include issuance of an allocation award or just compensation by purchase of the property or such other relief as may be necessary or appropriate.

The subject property does not contain sensitive environmental features or any significant habitat for endangered or threatened animal species. It therefore does not meet the criteria established under the existing Policy 101.6.6 and Policy 102.4.2, or the proposed Policy 101.6.5, of the Year 2010 Comprehensive Plan for the purchase of property under Administrative Relief.

The applicant has requested administrative relief in the form of a granting of an allocation and has not expressed a desire to sell the property to the County as provided for under Policy 101.6.1 of the Year 2010 Comprehensive Plan.

Staff Analysis:

The Growth Management Division has reviewed the application and recommends the award of a ROGO application to the applicant.

Findings of Fact:

- 1) The Miles Teach, Lot 27, Block 8, Harris Ocean Park Estates, ROGO application received no negative environmental points and one (1) positive environmental point; and
- 2) Policy 101.6.1 of the 2010 Comprehensive Plan and Section 9.5-122.2(f) of the Monroe County Land Development Regulations provides a mechanism whereby an applicant who has not received an allocation award in ROGO may apply to the Board of County Commissioners for administrative relief.
- 3) The applicant has been in the ROGO system for three of the last four annual allocation periods and therefore qualifies for administrative relief; and
- 4) The property does not qualify under criteria established by Resolution 223-2004 for purchase by the Monroe County Land Authority of small parcels with indigenous hammock and pinelands; and
- 5) The property does not qualify as environmentally sensitive under criteria established by Policy 101.6.5 and Policy 101.6.6 of the Monroe County Year 2010 Comprehensive Plan that directs the County to prioritize acquisition based on the environmental sensitivity of the land.

Recommendation:

It is recommended that the Board of County Commissioners find that the applicant has met the criteria and qualifies for Administrative Relief. It is further recommended that an order be prepared that establishes this relief as an award of a ROGO allocation in the next quarterly ROGO allocation period which closes July 13, 2005, or at such time as a ROGO allocation is available.

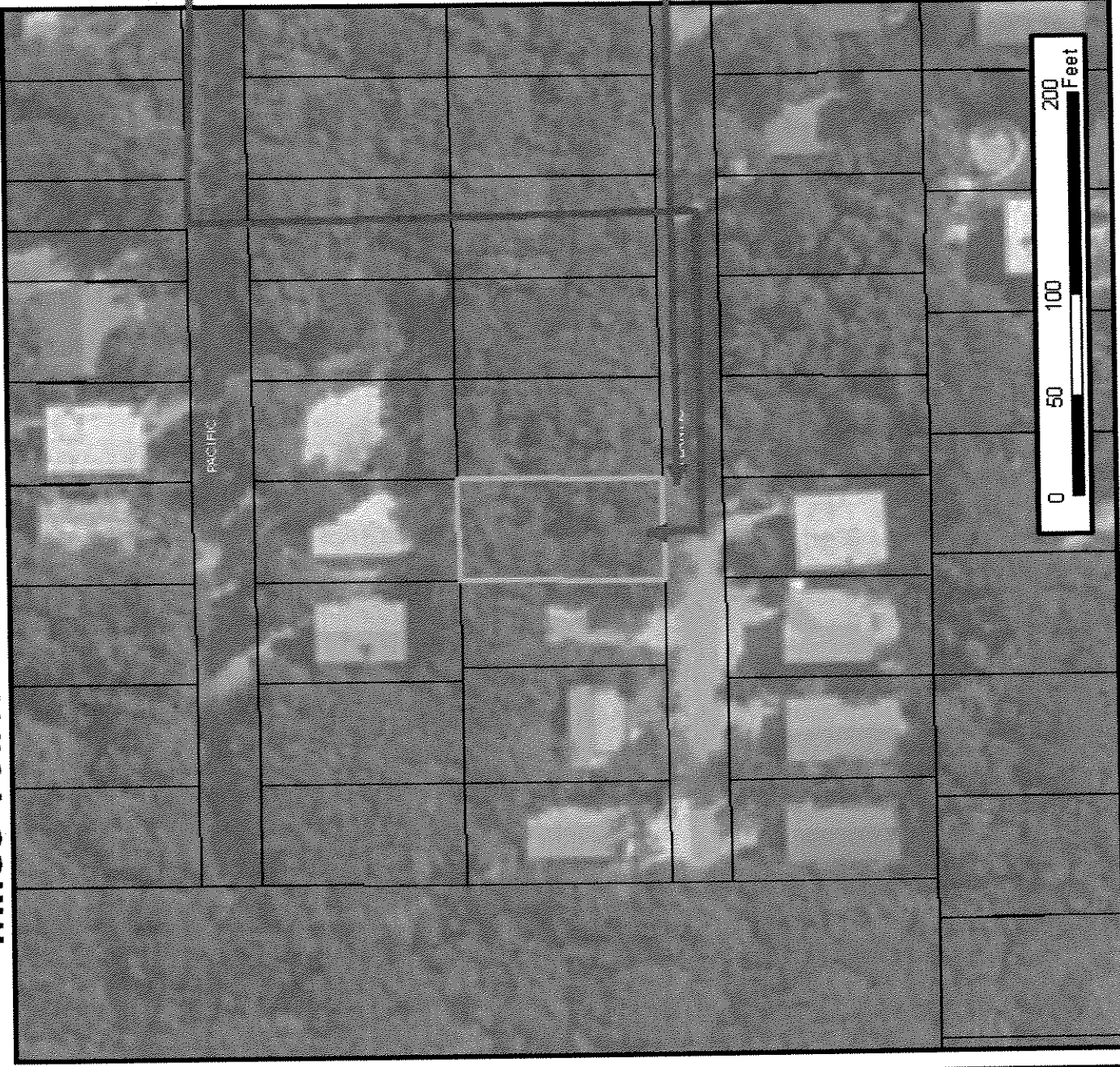
Cc: Timothy J. McGarry, AICP, Director of Growth Management
Mark Rosch, Monroe County Land Authority



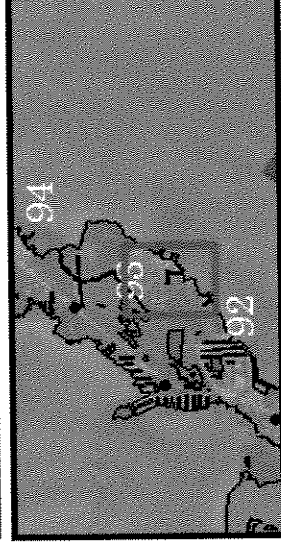




Miles Teach Administrative Relief: RE 00447410.0000000



2003 Aerial Photos / 2005 Road-view Photos



This map is for Maricopa County Growth Management Division purposes only. The data contained herein is illustrative only and should not be used for legal or other purposes. Right of ways, or identification information.

June 2005